

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND : NO.: 1:13-md-02419(FDS)
COMPUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION : July 3, 2013

MOTION TO QUASH AND/OR TO MODIFY

Pursuant to Fed. R. Civ. Proc. 45(c), non-party Liberty Industries, Inc. (“Liberty”) respectfully moves this Court to quash the subpoena *duces tecum* served upon it in this matter based upon the undue burden and expense associated with compliance by this small company. Alternatively Liberty moves that this Court order the issuing party, the Plaintiffs’ Steering Committee to bear the costs associated with compliance.

Additionally, inasmuch as certain of the production requests accompanying the subpoena are overly broad, unduly burdensome, vague, not reasonably calculated to lead to the discovery of admissible evidence in this litigation, or otherwise objectionable, Liberty moves that they be quashed and the document production request modified accordingly.

A memorandum in support of this motion is submitted herewith.

WHEREFORE, this non-party respectfully moves that the subpoena served upon it be quashed and/or modified.

LIBERTY INDUSTRIES, INC.

By /s/
Nicole D. Dorman [ct07030]
Rose Kallor, LLP
750 Main Street, Suite 606
Hartford, CT 06103
860-748-4660
860-241-1547 (fax)
E-mail: ndorman@rosekallor.com

CERTIFICATION

This is to certify that on this 3rd day of July, 2013, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

 /s/
Nicole D. Dorman